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EXAMINER	
UNELUS, ERNEST	

ART UNIT	PAPER NUMBER
2181	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/003,495	FRANZEL, KENNETH S.	
	Examiner	Art Unit	
	ERNEST UNELUS	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

RESPONSE TO AMENDMENT

Claim rejections based on prior art

1. Applicant's arguments filed 01/29/2008 with respect to claims 1-43 have been fully considered but are moot in view of the new ground(s) of rejection.

I. INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

II. INFORMATION CONCERNING DRAWINGS

Drawings

3. The applicant's drawings submitted are acceptable for examination purposes.

III. REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1-10, 12, 15-23, 25-31, 33, and 34,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Soetemans et al. (US pub. 2003/0058618) in view of Golden et al. (US pat. 6,452,924).

6. In re **claim 1**, Soetemans discloses a network backplane interface **[125, figs 3-5; paragraph 0003, line 6]** for a local network **[paragraph 0003, lines 1-7]**, comprising: (a) a circuit board **[paragraph 0003, line 5; paragraph 0015, lines 1-4]**; (b) a plurality of sockets **[paragraph 0003, line 7, paragraph 0015, line 4]** connected to the circuit board for receiving plug-in network devices; (c) power lines on the circuit board to one or more of plurality of the sockets for powering a plug-in network device when placed in each socket **[paragraph 0023, lines 9-12]**; (d) communication lines on the circuit board to one or more of the plurality of the sockets for communication with a plug-i_n network when placed in each socket **[paragraph 0025]** and (e) a housing for the circuit board, power lines and communication lines, including openings for exposing said sockets **[1 and 125 in figs 1 1A, 1B, and 3]**.

but fails to disclose expressly a network interface for communication between the plug-in network and an external network.

Golden discloses a network interface for communication between the plug-in network and an external network **(see col. 7, lines 1-19).**

Soetemans et al. (US pub. 2003/0058618) and Golden et al. (US pat. 6,452,924) are analogous art because they are from the same field of elements on a network.

at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a method and apparatus for providing a common support services infrastructure that allows a network element shelf to be used with circuit card configurations that provide

enhanced and/or new data path functionality without requiring the expensive and time consuming redesign of the entire shelf unit as described by Soetemans a network that provides variable, on-demand, data bandwidth, for communication sessions between any two or more computers (and/or users) using the network and a systems and methods that enable patching of security vulnerabilities in binary files as taught by Golden.

The motivation for doing so would have been because Golden teaches that **("The present invention aims at providing broadband multimedia communication over the standard circuit-switched public switched telephone network infrastructure (PSTN) while simultaneously and transparently interoperating with the public Internet packet-switched infrastructure to effectively merge the capabilities of the two infrastructures into a seamless capability that can bring the benefits of using both types of existing switching infrastructures to large groups of users under the control of the same common and simple interface tools such as web browsers"; see col. 2, lines 10-19)**.

Therefore, it would have been obvious to combine Golden et al. (US pat. 6,452,924) with Soetemans et al. (US pub. 2003/0058618) for the benefit of creating a network backplane interface for a local network to obtain the invention as specified in claim 1.

7. In re claim 2, Soetemans et al. shows a communication controller [120a, 120b, fig 3] which allows communication between the plug-in devices.

8. In re claim 3, Soetemans et al. a configuration circuit [120a, 120b fig 3; fig 6] on the circuit board which allows configuring function of one or more plug-in devices to perform desired functions.

9. In re claim 4, Soetemans et al. shows the configuration circuit communicates with a plug-in device in a socket to identify the plug-in device and configure the plug-in device for network communication function [fig 6, paragraphs 0038-0039].

10. In re claim 5, Soetemans et al. shows (1) memory [inherent feature of having a profile, paragraph 0032, lines 16-18] for storing configuration instructions for configuring one or more plug-in devices, and (2) processor [controllers, paragraph 0032, line 17] for executing the configuration instructions to network communication.

11. In re claim 6, Soetemans et al. shows a configuration memory [paragraph 0032, lines 16-18] having configuration information for a plurality of predetermined plug-in device types [paragraph 0032, lines 12-17].

12. In re claim 7, Golden et al. shows wherein the network interface comprises a multiple 100baseT Ethernet connector (see col. 7, lines 1-19).

13. In re claim 8, Soetemans et al. shows an embedded configuration module [paragraph 0032, lines 16-18; fig 6] to configure plug-in devices in a configuration session.

14. In re claim 9, Soetemans et al. shows the configuration module configures all plug-in devices in one configuration session [paragraph 13, lines 39-45; fig 6].

15. In re claim 10, Soetemans et al. shows a platform-independent configuration software [paragraph 0006, lines 13-22].

16. In re claim 12, Soetemans et al. shows at least one socket is dedicated to connection and communication with an external network [paragraph 0033, line 7].

17. In re claim 15, Soetemans et al. shows a R J-45 socket [paragraph 0033, line7].

18. In re claim 16, Soetemans et al. shows a socket comprises a proprietary connector combining power and data connections [paragraph 0016; paragraph 0030, lines 0030, lines 17-21; figs 2A, 2B].

19. In re **claim 17**, Soetemans discloses a network backplane interface [125, figs 3-5; paragraph 0003, line 6] for a local network [paragraph 0003, lines 1-7], comprising: (a) a plurality of sockets **[paragraph 0003, line 7; paragraph 0015, line 4]** for receiving plug-in network devices; (b) power lines to one or more sockets for powering a plug-in network device in each socket **[paragraph 0023, lines 9-12]**; (c) communication lines to each socket for communication with the plug-in network devices **[paragraph 0025]**; and (d) a configuration

module for functional configuration of one or more plug-in devices, wherein the configuration module communicates with each plug-in device in each socket to identify the plug-in device and configure function of the plug-in device to perform desired functions **[paragraph 6; paragraph 0026; paragraph 0037]**.

but fails to disclose expressly a network interface for communication between the plug-in network and an external network.

Golden discloses a network interface for communication between the plug-in network and an external network **(see col. 7, lines 1-19).**

Soetemans et al. (US pub. 2003/0058618) and Golden et al. (US pat. 6,452,924) are analogous art because they are from the same field of elements on a network.

at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a method and apparatus for providing a common support services infrastructure that allows a network element shelf to be used with circuit card configurations that provide enhanced and/or new data path functionality without requiring the expensive and time consuming redesign of the entire shelf unit as described by Soetemans a network that provides variable, on-demand, data bandwidth, for communication sessions between any two or more computers (and/or users) using the network and a systems and methods that enable patching of security vulnerabilities in binary files as taught by Golden.

The motivation for doing so would have been because Golden teaches that **("The present invention aims at providing broadband multimedia communication over the standard circuit-switched public switched telephone network infrastructure (PSTN) while simultaneously and transparently interoperating with the public Internet packet-switched**

infrastructure to effectively merge the capabilities of the two infrastructures into a seamless capability that can bring the benefits of using both types of existing switching infrastructures to large groups of users under the control of the same common and simple interface tools such as web browsers"; see col. 2, lines 10-19).

Therefore, it would have been obvious to combine Golden et al. (US pat. 6,452,924) with Soetemans et al. (US pub. 2003/0058618) for the benefit of creating a network backplane interface for a local network to obtain the invention as specified in claim 17.

20. In re claim 18, Soetemans et al. shows (1) memory [120a, fig 3; paragraph 0038] for storing configuration instructions for configuring one or more different plug-in devices, and (2) processor [120a, fig 3; paragraph 0038] for executing the configuration instructions to communicate with a plug-in device in a socket, and configure that device for network communication.

21. In re claim 19, Soetemans et al. shows a configuration memory [120a, fig 3] having configuration information for a plurality of predetermined plug-in device types [paragraph 0039, lines 1-2].

22. In re claim 20, Soetemans et al. shows extended configuration memory [120b, fig 3] for storing configuration information for additional device types.

23. In re claim 21, Soetemans et al. shows the configuration module allows configuring of plug-in devices in a configuration session for network communication among the plug-in devices [fig 6].

24. In re claim 22, Soetemans et al. shows configures all plug-in devices in one configuration session [fig 6].

25. In re claim 23, Soetemans et al. shows a platform-independent configuration software [fig 6].

26. In re **claim 25**, Soetemans discloses a network interface module **[125, figs 3-5; paragraph 0003, line 6]** for a local network **[paragraph 0003, lines 1-7]**, comprising: (a) a circuit board **[backplane, paragraph 0015, lines 8]** having a plurality of sockets **[paragraph 0003, line 7; paragraph 0015, lines 4, and 8]** for receiving plug-in network devices; (b) power lines on the circuit board **[paragraph 0015, line 12]** to one or more sockets for powering a plug-in network device in each socket **[paragraph 0023, lines 9-12]**; (c) a switch on the circuit board **[515a, paragraph 0034, line 14; fig 5]**, connected to one or more of the sockets allowing communication with plug-in network devices when placed in one or more of the sockets **[120a, 120b, fig 3]**; and (d) a configuration module on the circuit board for functional configuration of one or more plug-in devices, wherein the configuration module communicates with each plug-in device in each socket to identify the plug-in device and configure the plug-in device to perform selected functions **[fig 6; paragraph 0026; paragraph 0037].**

but fails to disclose expressly a network interface for communication between the plug-in network and an external network.

Golden discloses a network interface for communication between the plug-in network and an external network **(see col. 7, lines 1-19).**

Soetemans et al. (US pub. 2003/0058618) and Golden et al. (US pat. 6,452,924) are analogous art because they are from the same field of elements on a network.

at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a method and apparatus for providing a common support services infrastructure that allows a network element shelf to be used with circuit card configurations that provide enhanced and/or new data path functionality without requiring the expensive and time consuming redesign of the entire shelf unit as described by Soetemans a network that provides variable, on-demand, data bandwidth, for communication sessions between any two or more computers (and/or users) using the network and a systems and methods that enable patching of security vulnerabilities in binary files as taught by Golden.

The motivation for doing so would have been because Golden teaches that **("The present invention aims at providing broadband multimedia communication over the standard circuit-switched public switched telephone network infrastructure (PSTN) while simultaneously and transparently interoperating with the public Internet packet-switched infrastructure to effectively merge the capabilities of the two infrastructures into a seamless capability that can bring the benefits of using both types of existing switching infrastructures to large groups of users under the control of the same common and simple interface tools such as web browsers"; see col. 2, lines 10-19)**.

Therefore, it would have been obvious to combine Golden et al. (US pat. 6,452,924) with Soetemans et al. (US pub. 2003/0058618) for the benefit of creating a network backplane interface for a local network to obtain the invention as specified in claim 25.

27. Claims 26-31, and 33 are rejected under the same rationale as discussed above in claims 18-23.

28. In re claim 34, Soetemans et al. shows a printed Circuit board [paragraph 0003, line 5].

29. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soetemans et al., US Patent no. 6,289,405 in view of Golden et al. (US pat. 6,452,924) and further in view of Trans, USPGPUB no. 20020181633.

30. In re claims 13, and 14, Soetemans et al. does not show a security module. However, the security module is well known in the art of computer communication to have the secure module for having secure communication. Trans shows a security module [paragraph 0100, line 17-18] for Ethernet UTP applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the security module because it would provide a secure system.

31. Claims 11, 24, 32, 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soetemans et al., US Patent no. 6,289,405 in view of Golden et al. (US pat. 6,452,924) and further in view of Kim et al., USPAT No. 6,473,788.

32. In re claims 11, 24, 32, 35-39, and 41-42, Soetemans et al. does not show a user interface for receiving user configuration commands to configure each plug-in and the backplane, the common user interface is platform and operating system independent, utilizing a common communication protocol between the plug-ins and the configuration module, graphical user interface, the configurations circuit is centralized to the backplane, a web browser; if a device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a source external to the configuration circuit; if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a user.

However, Kim et al. shows the user interface for receiving user configuration commands to configure each plug-in and the backplane, the common user interface is platform and operating system independent, utilizing a common communication protocol between the plug-ins and the configuration module, graphical user interface, the configurations circuit is centralized to the backplane, a web browser [150, fig 10; S13040, fig 13B]; if a device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a source external to the configuration circuit [S1425, fig 14], if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a user [S1424, fig 14].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the user interface for receiving user configuration commands to configure each plug-in and the backplane, the common user interface is platform and operating system independent, utilizing a common communication protocol between the plug-ins and the configuration module, graphical user interface, the configurations circuit is centralized to the backplane, a web browser; if a device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a source external to the configuration circuit; if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a user because it would provide a user-friendly system by allowing to have a user interface with more flexible by allowing it to operate in multiple configurations.

33. In re claim 40, Soetemans et al. shows embedded configuration instructions for configuring one or more different plug-in devices, such that the configuration circuit uses identity of each plug-in device to obtain corresponding configuration instructions for configuring the different plug-in devices [fig 6].

34. In re claim 43, Soetemans et al. shows if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from the unrecognized device itself [fig 6].

IV. RELEVANT ART CITED BY THE EXAMINER

35. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See MPEP 707.05(c).

36. The following references teach a network backplane for a local network.

U.S. PATENT NUMBER

US 6,556,449

V. CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

37. The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i)**:

a(1) CLAIMS REJECTED IN THE APPLICATION

38. Per the instant office action, claims 1-43 have received a final action on the merits.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

b. DIRECTION OF FUTURE CORRESPONDENCES

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

IMPORTANT NOTE

40. If attempts to reach the above noted Examiner by telephone is unsuccessful, the Examiner's supervisor, Mr. Alford Kindred , can be reached at the following telephone number: Area Code (571) 272-4037.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 19, 2008

Ernest Unelus
Examiner
Art Unit 2181

/E. U./

Examiner, Art Unit 2181

/Alford W. Kindred/

Supervisory Patent Examiner, Art Unit 2163